

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VAXIIION THERAPEUTICS, INC.,

Plaintiff,

vs.

FOLEY & LARDNER LLP,

Defendants.

) Case No. 07CV00280 IEG (RBB)

) Complaint filed: December 28, 2006

) **JOINT MOTION FOR DISMISSAL**

1 WHEREAS on May 21, 2009, Plaintiff Vaxiion Therapeutics, Inc. ("Vaxiion") and Defendant
2 Foley & Lardner LLP ("Foley") reached a confidential agreement in which, among other things,
3 Vaxiion agreed to dismiss with prejudice all of its currently pending claims against Foley;

4 WHEREAS on June 11, 2009, Foley and Vaxiion executed a final binding Confidential
5 Settlement and Release Agreement; and

6 WHEREAS as part of the Confidential Settlement and Release Agreement Vaxiion agreed to
7 dismiss all of its claims in this suit against Foley with prejudice.

8 Accordingly, Vaxiion and Foley request the Court enter an order dismissing all claims in this
9 lawsuit with prejudice.

10 IT IS SO STIPULATED.

11 Dated: June 16, 2009

THORSNES BARTOLOTTA McGUIRE

12
13 s/ Vincent Bartolotta Jr.
14 Vincent Bartolotta, Jr.
15 Karen R. Frostrom
Counsel for Plaintiff Vaxiion Therapeutics, Inc.

16 Dated: June 16, 2009

HOWREY LLP

17
18 s/ Scott B. Garner
19 Robert E. Gooding, Jr.
20 Scott B. Garner
21 Ryan E. Lindsey
Counsel for Defendant Foley & Lardner LLP

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.:
 COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 4 Park Plaza, Suite 1700, Irvine, California 92614.

On June 16, 2009, I served on the interested parties in said action the within:

JOINT MOTION FOR DISMISSAL

Vincent J. Bartolotta, Jr.
 Karen R. Frostrom
 THORSNES BARTOLOTTA MCGUIRE
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 San Diego, CA 92103
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☒ (CM/ECF SERVICE) Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

☒ (EMAIL/ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the submission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on June 16, 2009, at Irvine, California.

Shawn Beem

(Type or print name)



(Signature)